

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER M. PAYNE,	)	4:11CV3017
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
FRED BRITTEN, et al.,	)	
	)	
Defendants.	)	

On October 20, 2014, Defendants filed a response to my October 10, 2014, Memorandum and Order. (Filing [115](#).) In the response, Defendants stated:

1. There are 13 items of mail at issue in this case. The Defendants will voluntarily return 11 of the 13 items to the Plaintiff. The other two mail items are believed to be in violation of prison regulations and will be returned to the senders. The Defendants will produce all 13 mail items to the Court, provided that the two items believed to be in violation are made under seal in accordance with NEB. CIV. R. § 7.5 (“Sealed Documents and Objects”). The Defendants respectfully object to the disclosure of these two items to the Plaintiff.
2. The Defendants intend to file a motion for summary judgment.

(Filing 15.) Defendants shall proceed, as they have suggested, with part one of their response. That is, by November 7, 2014, Defendants shall return 11 of the withheld mail items to Plaintiff and the other two withheld mail items to the senders. In addition, Defendants shall file legible copies of the 13 mail items, and the two mail items they believe are in violation of prison regulations may be filed under seal. However, Defendants are reminded that the court may, at a later date, choose to unseal these items.

After Defendants have filed the mail items, I will read them and take them into consideration in determining whether to appoint counsel and issue a progression order.

IT IS THEREFORE ORDERED that by November 7, 2014, Defendants shall return 11 of the withheld mail items to Plaintiff and the other two withheld mail items to the senders. In addition, Defendants shall file legible copies of all 13 mail items, and the two mail items they believe are in violation of prison regulations may be filed under seal., Defendants are reminded that the court may, at a later date, choose to unseal these items. If, for some reason, legible copies cannot be generated, the originals of those documents that cannot be reproduced in a readable form shall be retained and I should be immediately advised.

DATED this 29<sup>th</sup> day of October, 2014.

BY THE COURT:

*s/ Richard G. Kopf*

Senior United States District Judge

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